

Robert F. McCauley (SBN 162056)
robert.mccauley@finnegan.com
Jacob A. Schroeder (SBN 264717)
jacob.schroeder@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3300 Hillview Avenue
Palo Alto, CA 94304-1203
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Lynn H. Murray (*pro hac vice*)
lhmmurray@shb.com
SHOOK HARDY & BACON L.L.P.
11 South Wacker Drive, Suite 5100
Chicago, IL 60606
Telephone: (312) 704-7700
Facsimile: (312) 558-1195

Katherine A. Wolf (SBN 267763)
kwolf@shb.com
SHOOK HARDY & BACON L.L.P.
One Montgomery, Suite 2700
San Francisco, CA 94104
Telephone: (415) 544-1900
Facsimile: (415) 391-0281

Attorneys for Petitioners
Anoto AB and Livescribe, Inc.

Attorneys for Respondent
LeapFrog Enterprises, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Anoto AB and Livescribe, Inc.,

Petitioners,

v.

LeapFrog Enterprises, Inc.,

Respondent.

CASE NO. 3:16-CV-06209-JST

**STIPULATION AND ~~PROPOSED~~
ORDER TO WITHDRAW PETITION
TO CONFIRM ARBITRATION
ORDER**

Petitioners Anoto Group AB and Livescribe, Inc. ("Petitioners"), and Respondent LeapFrog Enterprises, Inc. (collectively "the Parties"), through their respective counsel of record, hereby advise the Court that their executives have agreed to certain terms ("Executive Agreement") that will resolve the Petition To Confirm Arbitration Order, assuming compliance with those terms. They continue to work on an agreement that may resolve this matter entirely. The Executive Agreement is as follows:

1. By December 15, 2016, LeapFrog shall ship 30,000 DotPos units to the following address: Anoto Group AB, c/o Schenker International (H.K.) Ltd., 10/F, Winner Godown Building, 1-9 Sha Tsui Road, Tsuen Wan, NT, HK, by FedEx International Priority;

2. By December 31, 2016, LeapFrog shall ship 24,180 DotPos units to the address and by the shipment method specified in Section 1, above;

3. Conditioned on prepayment by Anoto of US\$ 225,000 on or before January 1, 2017, LeapFrog shall ship (a) 50,000 DotPos units by January 15, 2017 and (b) 50,000 DotPos units by February 15, 2017, to Anoto at the same address and by the same method specified in Section 1, above. In the event of a *force majeure* event (a public disorder, disaster, war, insurrection, flood, fire, act of God, failure of supply or utility or other occurrence beyond the reasonable control of LeapFrog) which directly impedes LeapFrog's ability to perform its obligations with respect to this Section 3, the applicable date(s) for LeapFrog's performance shall be adjusted and extended for a period equal to the duration of such *force majeure*.

In view of the above Agreement, the Parties stipulate, with the Court's permission, that:

1. Petitioners' Petition to Confirm Arbitration Order [Dkt. 1], previously scheduled for a hearing on November 14, 2016, at 2:00 p.m., is withdrawn without prejudice; and

2. Judge Tigar retains jurisdiction over this matter to enforce this Order and the Executive Agreement included herein.

ATTESTATION

By his signature below, counsel for Petitioners Anoto Group AB and Livescribe, Inc. hereby attests that counsel for Respondent concurs in the filing of this document.

1 Dated: November 17, 2016

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

3 By: /s/ Robert F. McCauley

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GARRETT & DUNNER, LLP
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Palo Alto, CA 94304-1203
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Petitioners
Anoto AB and Livescribe, Inc.

11 Dated: November 17, 2016

SHOOK HARDY & BACON, L.L.P.

13 By: /s/ Lynn H. Murray

Lynn H. Murray (*pro hac vice*)
lhmmurray@shb.com
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Chicago, IL 60606
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Attorneys for Respondent
Leapfrog Enterprises, Inc.

23 **~~PROPOSED~~ ORDER**

25 Pursuant to the foregoing stipulation of the parties, IT IS SO ORDERED.

26 Date: November 22, 2016

27 
The Honorable Jon S. Tigar
United States District Court Judge

28 STIPULATION
AND ~~PROPOSED~~ ORDER
CASE NO. 3:16-CV-06209-JST